

**BY ECF**

December 11, 2020

The Honorable Lorna G. Schofield  
United States District Judge  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, New York 10007

Re: *Tyler Erdman v. Adam Victor, et al.* No. 20 Civ. 4162 (LGS):  
Request for Pre-motion Conference

Dear Judge Schofield:

I write to seek leave to move to disqualify Defendant Adam Victor's counsel, Schlam Stone & Dolan ("SSD"). The basis for the motion is: (1) SSD have recently obtained a judgment against Mr. Victor; (2) SSD recently withdrew from an action in which they represent Mr. Victor and his corporation<sup>1</sup> asserting conflicts "that make it impossible for us to continue the representation;" and (3) Mr. Victor, in response to that motion, has accused SSD of "fraud" and "malpractice." Their departure from this action is inevitable and is likely to delay this action if not done as soon as possible.

In other several litigations in which he is involved, Mr. Victor has gone through a series of attorneys, and changes of counsel have resulted in significant delays in discovery due to the outgoing attorneys' assertion of retaining liens on Victor's documents. In my New York State Supreme Court action, five different firms have appeared for Mr. Victor since he filed it in 2014. Because of the ensuing delays, discovery is not yet complete.

SSD obtained a judgment against Mr. Victor, which was docketed on October 15, 2020<sup>2</sup> (An excerpted copy is attached). That judgment arises from SSD's representation of Mr. Victor and one of his corporate entities, Transnational Management Systems ("TNMS"), in an action pending in California.

Two weeks later, on October 29, 2020, just a month before the trial was scheduled to start, SSD moved to withdraw as counsel, asserting conflicts and "other good cause for withdrawal."

"Pursuant to Rule 3-700(C)(1)(d) and (C)(6), I hereby certify that conflicts have arisen between TNMS and counsel that make it impossible for us to continue the representation. We also believe in good faith that, under the circumstances, the Court will find the existence of other good cause for withdrawal."

10/26/20 Declaration of Jonathan Mazer in Support of Motion to Be Relieved as Counsel<sup>3</sup>

While arguing on their motion to withdraw, SSD stated that Mr. Victor has claimed that they have committed fraud and malpractice in relation to their representation.

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<sup>1</sup> Transnational Management Systems, LLC et. al v. Pegasus Elite Aviation, LLC et al., Case No. LC100724, Superior Court of the State of California County of Los Angeles, Northwest District

<sup>2</sup> Schlam Stone & Dolan LLP, v. Adam Victor, Index no. 655235/2020 Supreme Court of the State of New York County of New York. Docket access: <https://bit.ly/SSDvAV>

<sup>3</sup> Available at: <https://bit.ly/ssdConflict>

I reached out to Mr. Victor's counsel in an effort to discuss, and potentially resolve, this issue. Jeffrey Eilender refused to provide a substantive response, asserting "our relationship with Mr. Victor is none of your business." and then threatened to go to the U.S. Supreme Court: "Make whatever motion you wish, and we will seek our attorneys fees. With a new supreme court majority now in place, we may even try to make new law as to whether it is appropriate for you to be pro se." Mr. Eilender's next email stated that "We have met and conferred; you try to remove me; I will try to change the law to get a caretaker for you."

SSD's continued representation of Mr. Victor is untenable. Dealing with the issue prior to the commencement of discovery will minimize the prejudice to the parties caused by SSD's inevitable withdrawal. Accordingly, I respectfully request leave to move for SSD's disqualification.

Respectfully submitted,

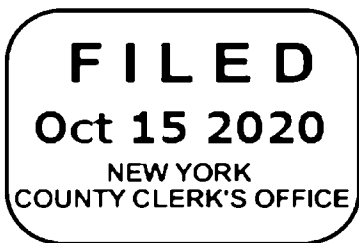
/s/Tyler Erdman  
Tyler Erdman  
Plaintiff Pro Se  
917-301-0401  
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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

SCHLAM STONE & DOLAN, LLP,  <i>Plaintiff,</i>  <i>-against-</i>  ADAM VICTOR,  <i>Defendant.</i>	Index No.: <u>655235/2020</u>  <del>{PROPOSED}</del> JUDGMENT
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**UPON** the Affidavit of Confession of Judgment of Adam Victor, sworn to on November 25, 2019; it is now

**ADJUDGED** that Schlam, Stone & Dolan, LLP, at address 26 Broadway Floor 19, New York, NY 10004, have judgment and recover from Adam Victor, 630 1st Ave., New York, NY 10016, for the principal sum of **\$166,000.00**; and that Schlam Stone & Dolan, LLP have  
X  
execution thereof.



  
CLERK